

Application No.: 09/884,215
Atty. Dkt.: 01-4AAF DN 7985 (ZM921-04004)

REMARKS

Reconsideration of the pending application is respectfully requested. Claims 1-19, 21-22, and 48-50 remain pending in the present application.

Applicants' Attorney appreciates the indication of allowable subject matter in Claims 13-14, 16-22 and 48. However, Applicant feels that all pending claims, as amended, are definable over the prior art.

35 U.S.C. 112 Rejections

The Examiner has rejected Claim 1-21 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, Examiner alleges that the previously added limitation, "said high voltage being selected upon the portion of the combined components and the size of the media strands to be formed", to claim 1 is not supported by the specification. Applicants' Attorney respectfully traverses the Examiner on this ground of rejection.

Claim 1 is currently amended deleting the rejected claim element and adding the claim element "electrospinning said compound from at least one sharp tip source having a diameter in the approximate range of 0.1mm to 3mm". This added claim element is supported on page 8 of the specification as follows:

The inner diameter of the lower outlet of each capillary tube 12' is internally sized in the approximate range of zero point one (0.1) to three (3) millimeters. As can be seen in Figures 3B and 3C, the capillary tubes 12' and 12'' are shown as provided with the two tips 13' and four tips 13'', respectively, with

Application No.: 09/884,215
Atty. Dkt.: 01-4AAF DN 7985 (ZM921-04004)

the diameter of each tip being in the approximate range of zero point one (0.1) to three (3) millimeters. App., pg. 8, para. 1.

The Examiner has rejected Claims 1-22, and 48 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Examiner alleges that the term "substantially only" in claim 1 is unclear; claim 2, the term "said cross-linking agent comprises a lesser portion range by weight of a dialdehyde..." is unclear and "comprises a lesser portion range by weight" is redundant; Claim 3 regarding to the terms greater portion and lesser portion, the claim is also unclear; claim 22, the term "a greater portion by, weight of approximately" is redundant or unnecessary and "having a three dimensional... in water" is incomplete and unclear and the process steps in which the process is performed are unclear, and the term "advantageously formed" is unclear. In claim 48, the percentages of the crosslinking agent and acid are not clear. Applicants' Attorney respectfully traverses the Examiner on this ground of rejection.

Claims 1-3, 22 and 48 are currently amended to address each of Examiner's specific rejections under 35 U.S.C. 112, second paragraph. In Claim 1 the term substantially only has been deleted. In Claim 2 the phrase "lesser portion range by weight has been deleted. In Claim 3 the terms greater and lesser portions have been deleted. Claim 22 has been amended to remove redundancies and to clarify the process steps. Claim 48 has been amended to clarify the percentages of crosslinking agents and acid. Therefore, Claims 1-22 and 48 are currently amended to address each of the Examiner's rejections under 35 U.S.C. 112. Applicants' Attorney therefore respectfully requests that the Examiner withdraw said rejections.

Page 9 of 11

Application No.: 09/884,215
Atty. Dkt.: 01-4AAF DN 7985 (ZM921-04004)

35 U.S.C. 103 Rejections

The Examiner has rejected Claims 1-12, and 15 under 35 U.S.C. 103(a) as being unpatentable over Gogins et al (6,716,274)(hereinafter '274). The Examiner alleges that '274 teaches the claimed invention except for the adjustment of the voltage depending on composition and the composition excluding the additive or copolymer or the addition of surfactant as claimed. However, Examiner alleges that the claims as written do not exclude the addition of other components in small percentages, e.g. additives and that it would have been obvious to produce the fibers from the cross-linked composition. Applicant's Attorney respectfully traverses the Examiner on these grounds of rejection for Claims 1-12, and 15.

Examiner has stated that Claims 13, 14, 16-22 and 48 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Office Action, pg. 5, item 6. These Claims are currently amended as previously explained to overcome said 112 rejections. Additionally, Claim 1 is currently amended to include the claim limitation in Claim 20, "said nanofibers are emitted from at least one sharp tip source in the approximate range of 0.1mm to 3mm". Claim 20 is currently canceled. Since this claim limitation as incorporated into Claim 1 has been admitted by the Examiner as not being taught by '274 and Claims 2-12 and 15 incorporate this limitation through claim dependency, Applicant's Attorney urges that each and every pending claim now overcomes all objections and rejections raised by Examiner and respectfully requests Examiner to withdraw said objections and rejections.

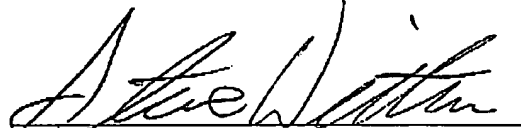
Application No.:09/884,215
Atty. Dkt.: 01-4AAF DN 7985 (ZM921-04004)

Conclusion

Applicant's Attorney urges that the instant application is now in condition for allowance. However, if the Examiner believes there are other unresolved issues in this case, Applicant's Attorney of record would appreciate a call at (502) 584-1135.

Respectfully submitted,

MIDDLETON REUTLINGER



Steve A. Witters, Reg. No. 53,923
2500 Brown & Williamson Tower
Louisville, KY 40202
(502) 584-1135 phone
(502) 561-0442 fax
switters@midtreut.com
